

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:14 CV 07**

DIAMOND FALLS ESTATES, LLC,)
SHIRLEY M. BUAFO and CHARLES K.)
BUAFO,)
)
Plaintiffs/Counter-Defendants)
)
v)
)
NANTAHALA BANK & TRUST COMPANY,)
STEVE E. GRAVETT, EXCELL PARTNERS,)
LLC, and JOHN/JANE DOES,)
)
Defendants/Counter-Plaintiffs.)

ORDER

THIS MATTER is before the undersigned pursuant to a Motion to Limit Time for Defendants to Withdraw Motion for Reconsideration Before Plaintiffs May File a Motion for Sanctions under Fed.R.Civ.P.11 (#31). An examination of the motion shows that the Plaintiffs have failed to comply with LCvR 7.1(B) and (C). Those rules provide as follows:

LCvR 7.1(B)

(B) Requirement of Consultation. Any motions other than for dismissal, summary judgment, or default judgment shall show that counsel have conferred or attempted to confer and have attempted in good faith to resolve areas of disagreement and set forth which issues remain unresolved. The requirement of consultation also applied to motions for extension of time and to motions for continuance of a trial or other proceeding. Consultation is not required where the moving

party is represented and the non-moving party is unrepresented, or where the motion is for an extension of time to file a responsive pleading to complaint, counterclaim, crossclaim, or any other initial petition for relief.

LCvR 7.1(C)

(C) Requirement of Briefs. Briefs shall be filed contemporaneously with the motion, except no brief is required in support of timely motions for extension of time, continuances, admission *pro hac vice*, or early discovery.

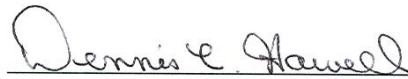
A reading of Plaintiffs' motion does not show that the Plaintiffs have consulted with the Defendants' counsel in regard to the motion. Additionally, the motion of the Plaintiffs is not supported by a brief as required by LCvR 7.1(C). For the above reasons, the undersigned has determined to enter an order denying the motion of the Plaintiffs.

ORDER

IT IS, THEREFORE, ORDERED that the Motion to Limit Time for Defendants to Withdraw Motion for Reconsideration Before Plaintiffs May File a Motion for Sanctions Under Fed.R.Civ.P. 11 (#31) is **DENIED** without prejudice. Should Plaintiffs' counsel choose to again file such a motion, then Plaintiffs' counsel must, in such pleading, show compliance with the Local Rules of Civil Procedure and further certify that all attorneys for the Plaintiffs have read the Local

Rules of Civil Procedure for the Western District of North Carolina in their entirety.

Signed: June 6, 2014



Dennis L. Howell
United States Magistrate Judge

